

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

TRAVIS MICJAN and STEPHANIE)	CIVIL DIVISION
MICJAN, Co-Administrators of the Estate)	
of DYLAN MICJAN, a deceased minor)	
and in their own right,)	Civil Action No.:
)	
Plaintiffs,)	
)	
v.)	<i>Electronically Filed</i>
)	
WAL-MART STORES, INC.; GARAN,)	
INC.; and GARAN SERVICES CORP.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendant Wal-Mart Stores, Inc. asserting as follows:

1. The above-described action was commenced by the filing of a Writ of Summons on or about March 13, 2014. Wal-Mart was served with the Writ on March 17, 2014. (*See* Docket Entries attached hereto as Exhibit "A" and Proof of Service attached as Exhibit "B".)
2. Co-Defendant Garan, Incorporated and its subsidiary, Garan Services Corp., were served with a Writ of Summons on March 18, 2014. (*See* Docket Entries attached hereto as Exhibit "A" and Proof of Service attached as Exhibit "C".)
3. Wal-Mart Stores, Inc. is a foreign corporation formed in Delaware with a principal place of business in Bentonville, Arkansas.
4. Defendant Garan, Incorporated is a foreign corporation formed in Virginia with a principal place of business in New York, New York.

5. Defendant Garan Services Corp. is a foreign corporation formed in Delaware with a principal place of business in New York, New York.

6. Plaintiffs filed the Initial Complaint with the Court on May 30, 2014. (*See* Docket Entries attached hereto as Exhibit “A”).

7. Counsel for Wal-Mart received the Complaint on June 5, 2014 via U.S. Mail. (*See* Letter from Plaintiffs’ counsel and Initial Complaint attached hereto as Exhibit “D”).

8. Garan, Incorporated and Garan Services Corp. received the Complaint on or about June 4, 2014 at the earliest according to the postmarked envelope attached as Exhibit “E”.

9. Based upon the representation of counsel, at the time this action was initially commenced, and at the current time, Plaintiffs were residents of Washington County, Pennsylvania.

10. The Complaint seeks an award in excess of the arbitration limits of Allegheny County (\$35,000), but no specific sum is demanded in the Complaint.

11. It is understood that Plaintiffs claim damages for a fatal injury to minor infant son, Dylan Micjan.

12. Based on these alleged injuries and damages, which include the death of an infant, the undersigned counsel believes that the amount in controversy exceeds \$75,000.

13. The written consents of all other Defendants other than the filing party, Wal-Mart, are attached as Exhibit “F” and Exhibit “G”.

14. This Notice of Removal is filed within thirty (30) days after Defendant, Wal-Mart Stores, Inc., received a copy of Plaintiffs’ Initial Complaint on June 5, 2014, which apprised this Defendant of the amount in controversy, and within one (1) year of the commencement of this

matter by Plaintiffs on March 13, 2014 by the filing of the Writ of Summons; thus, it is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

15. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

16. All remaining state court filings are attached hereto as Exhibit "H".

WHEREFORE, Defendant Wal-Mart Stores, Inc. requests that this action now pending in the Court of Common Pleas of Allegheny County at No. GD 14-003946 be removed to this Honorable Court.

JURY TRIAL IS DEMANDED.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

Date: June 30, 2014

BY: /s/ Rebecca Sember Izsak
REBECCA SEMBER IZSAK, ESQUIRE
PA ID No. 74584
650 Washington Road, Ste. 700
Pittsburgh, Pa 15228
(412) 563-2500
(412) 563-2080 facsimile
rseember@c-wlaw.com

Counsel for the Defendant, Wal-Mart Stores, Inc.